

Notice of Allowability

Application No.

09/890,769

Examiner

Pierre E. Elisca

Applicant(s)

MATSUSHIMA ET AL.

Art Unit

3621

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/23/2004.
2. ☒ The allowed claim(s) is/are 2-8.
3. ☒ The drawings filed on 23 July 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Pierre E. Elisca
PRIMARY PATENT EXAMINER

Art Unit: 3621

REASONS FOR ALLOWANCE

1. This is an Examiner's statement of reasons for allowance. The closest prior art Ginter et al (U.S. Pat. No. 6,658,568) discloses a system/method for secure electronic commerce transaction and rights management.

JP411213010A Fukazawa, Hidemichi discloses a distribution system for digital contents.

IBM Technical Disclosure Bulletin discloses a returning content of undelivered distribution.

However, neither Ginter et al nor Fukazawa and IBM technical Disclosure Bulletin singularly or in combination fails to anticipate or render obvious the recited feature:

As per claim 1 "a piece of second payment information instructing the user terminal to apy a purchase fee to both said respective distribution server and said reference server, when the user terminal is determined to have connected using the piece of location information received from said reference server, and a transmitting unit operable to transmit one of the generated pieces of first and second payment information and a digital content to the user terminal, the piece of first payment information instructs the user terminal to pay all of a purchase fee for playback rights of the digital content to said respective distribution server, and the piece of second payment information instructs the user terminal to pay a% of the purchase fee for playback rights of the digital content to said reference server, and (100-a)% to said respective distribution server".

EXAMINER'S AMENDMENT

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2. Please amend claim 2 as follow:

Claim 2, line 5, delete " to transmit one of the pieces" and add – to transmit one piece--.

Confirmed by Thomas D. Robbins Reg. No. 43,369.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 703 305-3987. The examiner can normally be reached on 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703 305-9769. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Pierre Eddy Elisca

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November 18, 2004